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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,490	02/07/2001	Pardip K. Vaid	5001-355	8061
7590 06/07/2004 McCormick, Paulding & Huber LLP City Place II 185 Asylum Street Hartford, CT 06103-3402			EXAMINER JOHNSON, STEPHEN	
			ART UNIT 3641	PAPER NUMBER

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/778,490

Applicant(s)

VAID, PARDIP K.

Examiner

Stephen M. Johnson

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3641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-11,17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,4-11 and 17 is/are allowed.
- 6) ☒ Claim(s) 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. The proposed drawing correction filed on 3/02/2004 has been approved.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 18 is rejected under 35 U.S.C. 102(b) as being anticipated by Jolidon.

Jolidon discloses a semi-automatic firearm comprising:

- | | |
|---|--|
| a) a frame, | 2, 3 |
| b) a slide with ejection port and housing extending parallel, | 4 |
| c) a firing mechanism including a sear mechanism, and | 5, 22, 19, 20 |
| f) an access port. | adjacent 39 contains 6
when hammer is in
the firing position |

4. Claim 18 is rejected under 35 U.S.C. 102(b) as being anticipated by Hochstrate.

Hochstrate discloses a semi-automatic firearm comprising:

- | | |
|---|---|
| a) a frame, | 20 |
| b) a slide with ejection port and housing extending parallel, | see fig. 1 |
| c) a firing mechanism including a sear mechanism, and | 16, 76, 94 |
| f) an access port. | adjacent 48 contains 44
when hammer is in
the firing position |

5. Claim 18 is rejected under 35 U.S.C. 102(b) as being anticipated by Tuma et al..

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Tuma et al. disclose a semi-automatic firearm comprising:

- a) a frame, 11
- b) a slide with ejection port and housing extending parallel, see fig. 1
- c) a firing mechanism including a sear mechanism, and 5, 6, 3
- f) an access port. adjacent 14 contains 4
when hammer is in
the firing position

Applicant's arguments are addressed as follows. It is argued that Tuma et al.'s slide aperture is formed in the rear and therefore applicant's claim reads over Tuma et al. Note that applicant has claimed a slide whose housing extends "longitudinally and substantially parallel to a direction of movement of said slide". Certainly, the slide illustrated in fig. 1 of Tuma contains such a slide. However such slide that extends longitudinally also has a back and front wall. In this case the back wall contains an access port as noted above. The fact that the rear of Tuma et al. does not extend in a longitudinally parallel direction is not at issue. Applicant has not claimed the access port to be located at any particular location on the housing. Rather, all that is claimed is an access port on a housing that extends longitudinally and substantially parallel to the direction of movement.

6. Claims 1, 4-11, and 17 are allowed.

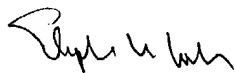
7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Johnson whose telephone number is 703-306-4158. The examiner can normally be reached on Tuesday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 703-306-4198. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4177.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326. The fax phone number for after final communications is (703) 872-9327.



STEPHEN M. JOHNSON
PRIMARY EXAMINER

Stephen M. Johnson
Primary Examiner
Art Unit 3641

SMJ